



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

SJN
Docket No: 02495-13
12 March 2014

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 March 2014. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

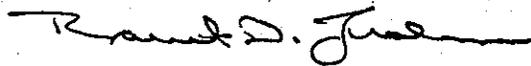
You enlisted in the Navy and began a period of active duty on 17 November 1994. The Board found that on 14 March 1997, you received nonjudicial punishment (NJP) for wrongful use of marijuana and cocaine. You received restriction, extra duty, and a forfeiture of pay. Subsequently, administrative discharge action was initiated by reason of misconduct due to wrongful drug use. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). Your case was forwarded recommending that you be discharged under other than honorable (OTH) conditions by reason of misconduct. On 7 May 1997, the separation authority concurred and directed an OTH discharge by reason of misconduct due to drug abuse. You were so discharged on 25 April 1997.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your record of service, desire to upgrade your discharge and belief that your characterization of service would automatically change after six months. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given

your NJP for wrongful drug use. The Board noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. Finally, you are advised that there is no provision of law or in Navy regulations that allows for recharacterization of a discharge automatically after six months or due solely to the passage of time. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,



ROBERT D. ZSALMAN
Acting Executive Director